



December 17, 2018

Ms. Amanda Brown  
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**DETERMINATION OF POTENTIAL TITLE IX VIOLATIONS  
WITHIN THE ROWAN UNIVERSITY ATHLETIC DEPARTMENT**

The Office of Equity & Diversity, on behalf of University leadership, has conducted a Title IX investigation related to incidents occurring in the Athletics Department from October 30 through mid-November, 2018. On or about October 30, 2018, a confrontation occurred at Wackar Stadium between the Men's Football Coach, Jay Accorsi, and the Women's Track Coach, Derick Adamson. The confrontation occurred in front of student athletes.

It has been alleged that Coach Accorsi "yelled" at Coach Adamson indicating that the Women's track team "was not to come here when Football was practicing" and "I have girls running around with sports bras, hurdles flying everywhere and 18 year-old boys with their eyes going back and forth". The incident was reported to the Assistant Athletic Director, Penny Kempf, immediately by Coach Adamson.

On October 31, 2018, you contacted Athletic Director, Daniel Gilmore and requested a meeting to discuss the "current discrepancy between a few of the athletic departments' teams and coaches in regards to practice space and lack of courtesy". Although you did not receive a response to your email, you were invited to attend a pre-scheduled meeting on November 2<sup>nd</sup> when you were by chance present in the Athletic Department offices. During the November 2<sup>nd</sup> meeting, you shared concerns related to the October 30<sup>th</sup> incident, the policy related to sports bras and the comment made that day related to the allegation that they were distracting to the football team. You have stated that you also shared your concerns related to miscommunication and allocation of resources.

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On or about November 8, 2018, a former member of the Women's Track & Field team posted an article on an online blog entitled "Odyssey". The article addressed issues related to the alleged comment regarding sports bras, the use of practice facilities and an allegation related to the support of a "rape culture" by the Rowan University Athletics Department. The leadership of Rowan University (University) became aware of the issues in Athletics as a result of the blog.

The Office of Equity & Diversity was tasked with conducting a Title IX investigation related to the allegations in the article as well as concerns you raised in your initial meetings with the Chief of Staff and the Vice President of Human Resources. Title IX of the Education Amendment of 1972 is a federal law that prohibits sex discrimination in University programs and activities. The law reads: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of or be subjected to discrimination under any education program or activity receiving Federal financial assistance". As a recipient of Federal financial assistance, Rowan University has jurisdiction over complaints alleging sexual discrimination including sexual harassment.

The University's Student Sexual Misconduct Policy governs complaints of sexual harassment by students against students. The University's policy Prohibiting Discrimination in the Workplace governs claims of sexual harassment by students against University employees. It is a violation of the Employee Policy to use derogatory or demeaning references to a person's gender or to make generalized gender-based comments that create a hostile environment.

Findings under both Policies will be based on a preponderance of the evidence. A finding will be made if the evidence as a whole shows that it is more likely than not that a violation of the Policies occurred.

The Interim Assistant Vice President for the Office of Equity & Diversity conducted the Title IX investigation. The investigation included interviews with eight (8) witnesses and a review of documents including emails, audio recordings, text messages and written notes and statements. Additional documents are still being received as a result of document searches conducted under an OPRA request. There is no reason to believe that new records will impact the outcome of the Title IX investigation. However, to the extent any additional relevant information is obtained, it will be shared with the Investigator.

The Investigator offered the following findings of fact:

- Finding #1

It is more likely than not that, prior to October 30, 2018, the Athletic Department required that Football and Track/Cross Country Teams were required to schedule separate practice times at Wackar Stadium due to logistical and safety concerns.

It is evident that Coach Accorsi expressed concerns related to safety in the Spring of 2017. Coach Accorsi, Coach Dimit, A.D. Gilmore and Asst. A.D. Kempf recalled this concern as being the impetus of a new policy implemented in the Fall of 2018. Coach Adamson admits that it was discussed with him in mid-October. The subsequent actions of the coaches to follow this policy indicates the knowledge and understanding of the policy prior to the October 30<sup>th</sup> incident.

It is also evident that it is a consistent practice that in-season sports have priority for use of practice facilities over pre-season sports. On October 30<sup>th</sup>, football was in-season and Track and Field was pre-season.

- Finding #2

It is more likely than not that the Athletic Department required all athletes to wear shirts in shared facilities prior to the Fall of 2018.

Although it has been acknowledged that the policy was not written, the Coaches and student witnesses advised that they have instructed student athletes or have been instructed as an athlete, male or female, to wear a shirt in shared facilities.

- Finding #3

It is more likely than not that a football player made an inappropriate statement about female runners and Coach Accorsi addressed the player. It is more likely than not that the statement did not deprive female students of educational benefits protected by Title IX.

Several witnesses have attested to the fact that Coach Accorsi reported to them the statement related to "I'm gonna look" or "they're asking for it". Witnesses also confirmed that Coach Accorsi informed them that he stopped practice to address the inappropriate statement and to reprimand the player. The statements were also memorialized in contemporaneous written notes by the Athletic Director.

As such, the Investigator finds that Coach Accorsi's denial or lack of recollection lacks candor and is not credible. It is likely that Coach Accorsi is protecting the identity of the player. Since the identity of the player is not known, intent cannot be determined. However, since the comment was not heard by any female athletes and was an isolated incident, the Investigator determined that the comment did not create a hostile environment and was not sufficiently severe, pervasive/persistent or objectively offensive to substantially interfere with the conditions of the education of female runners.

The requirement for distinct practices and the policy related to athlete's wearing shirts in shared facilities both pre-dated the inappropriate comment. Therefore, the alleged comment was not the basis for these decisions and did not have the impact of denying female runners the educational benefits protected by Title IX.

Nonetheless, a new policy has been implemented related to sports bras. In addition, a plan will be implemented to develop written policies and to improve the communication to student athletes.

#### Finding #4

Mr. Gilmore and Ms. Kempf did not inquire further, or report potentially discriminatory or harassing statements to the Office of Equity & Diversity.

Through the reports made by Coach Accorsi and Coach Adamson and subsequent meetings with coaches, the Athletic Director and the Assistant Athletic Director were aware of a potentially discriminatory or harassing comment by a football player. These reports should have been a red flag for both to conduct further inquiry and to report and/or seek guidance from the Office of Equity & Diversity related to a possible Title IX violation.

**After careful review of the Investigation Report prepared by the Interim AVP for Equity & Diversity, I concur with the Investigator that the allegation of harassment and hostile environment under Title IX and the Student Sexual Misconduct Policy is Unsubstantiated.**

Although the Title IX allegations related to the October 30<sup>th</sup> incident have been deemed to be Unsubstantiated, the investigation and subsequent review of documentation has exposed areas of concern within the Athletics Program. A determination has not yet been made related to possible violations of the Disruptive Behavior, Workplace Violence Policy.

There is a perceived culture of secrecy within the Athletics Department for some employees and athletes. Issues that have been concerning to students and coaches have not been addressed because relying on the "chain of command" has stifled communication. A consultant has been retained to review the policies and procedures of the department. In addition, an investigation will be conducted by Human Resources related to the issues outlined above.

You have the option to file an appeal of the determination with Joanne Connor, Chief of Staff. In order to file such an appeal, you must submit a written appeal to Dr. Connor, postmarked or delivered within 10 days of your receipt of this determination. Your appeal must include a copy of this determination, the reason for the appeal, and the specific relief that you are requesting.

At this time, I would like to remind you that Rowan University policy dictates that this matter remains confidential and the results of the investigation should not be discussed with others. Further, please note that the Rowan University policies prohibit retaliation against any student/employee who files a complaint or participates in a complaint investigation. Thank you for your cooperation in this matter.

Should you have any questions about any of the information in this determination letter, feel free to contact me.

Sincerely,

A handwritten signature in black ink, reading "Theresa A. Drye". The signature is fluid and cursive, with a large, stylized "D" at the end.

Theresa A. Drye, MBA, FACHE  
CHRO/Vice President Human Resources

Cc:  
Christine Pickel, Interim AVP for Equity & Diversity